

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States District Court  
Southern District of Texas  
FILED

NOV 27 2015

David J. Bradley, Clerk

United States of America

v.

JORGE ALEXANDER GARCIA-MURGAS  
Citizen of El Salvador, YOB: 1979

Case No.

M-15-2049-M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 26, 2015 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

Code Section

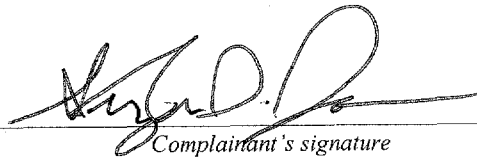
Offense Description

Title 18, U.S.C. 111(a)(1)

forcibly assaults, resists, opposes, impedes, intimidates, or interferes with  
any person designated in section 1114 of this title while engaged in or on  
account of the performance of official duties;

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

Complainant's signature

Stephen D. Johnson, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.



Date:

11/27/2015

3:56 PM



Judge's signature

City and state:

McAllen, Texas

Peter E. Ormsby, United States Magistrate Judge

Printed name and title

## **Attachment "A"**

### **Affidavit**

I, Stephen D. Johnson, being first duly sworn, state as follows:

1. I, Stephen D. Johnson, am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) in McAllen, Texas, and have been so employed since September, 2008. I am currently assigned to the Rio Grande Valley Safe Streets Task Force in McAllen, Texas. This affidavit is based on information provided by the United States Border Patrol, McAllen, Texas.

2. As a Federal Agent, I am authorized to investigate violations of federal laws of the United States.

3. The following facts and information are known by the Affiant and were provided by United States Border Patrol Agent (BPA) A.M., McAllen, Texas. BPA A.M. provided information serving as probable cause in support of a complaint for violating Title 18, U.S.C., Section 111 (a)(1), Assaulting a Federal Officer.

4. On November 26, 2015, at approximately 7:25 p.m., in accordance with his official duties as a Border Patrol Agent, BPA A.M. was conducting linewatch operations near Penitas, Texas, when BPA A.M. responded to a report of illegal alien traffic located in an area known as District 6 canal and Military Road.

5. BPA A.M. began to conduct a search of the area with the assistance of Texas Department of Public Safety helicopter (DPS 108). BPA A.M., along with other Border Patrol Agents, encountered a group of subjects who began to run in all directions.

6. At that time, BPA A.M. encountered a subject who was later identified as JORGE ALEXANDER GARCIA-MURGAS, date of birth (DOB) February 27, 1979. BPA A.M. identified himself as a Border Patrol Agent and provided commands to GARCIA-MURGAS in both English and Spanish to not resist which GARCIA-MURGAS ignored.

7. GARCIA-MURGAS began to be resistant and combative as BPA A.M. attempted to apprehend him. BPA A.M. was able to handcuff one wrist of GARCIA-MURGAS when GARCIA-MURGAS began to be more combative. GARCIA-MURGAS began to twist BPA A.M.'s wrist in an attempt to overpower him and escape.

8. BPA A.M. was able to get his hand free and get on top of the subject on the ground when BPA A.M. felt a tug on his duty belt. BPA A.M. looked down and saw GARCIA-MURGAS' hand on his holster tugging it in the direction to release the weapon. BPA A.M. stated at that moment he feared for his life if GARCIA-MURGAS was able to obtain his service issued pistol.

9. BPA A.M. was able to remove GARCIA-MURGAS' hand from his holster and regain his position over the subject. At this time, GARCIA-MURGAS grabbed the lanyard for BPA A.M.'s night vision goggles hanging around his neck and began to choke him. BPA A.M. stated he could feel the cord cutting pressure into his windpipe.

10. BPA A.M. was able to remove GARCIA-MURGAS' hands from his lanyard and throw his night vision goggles off his neck. He was then able to finally subdue and apprehend GARCIA-MURGAS as GARCIA-MURGAS had tired and began to follow commands.

11. BPA A.M. sustained a cut to his right hand and pain and swelling to his right wrist. BPA A.M. has scheduled an appointment with his primary care physician to have his wrist examined due to the continued pain and swelling of his right wrist.

12. GARCIA-MURGAS was interviewed at the McAllen Border Patrol station where he admitted to actively resisting BPA A.M.'s commands and fighting with him. GARCIA-MURGAS stated it was hard to remember what happened in the heat of the moment but he did remember grabbing for BPA A.M.'s neck in an attempt to escape.

13. Subsequent to the apprehension of GARCIA-MURGAS, it was determined that GARCIA-MURGAS is a citizen of EL SALVADOR, and was illegally present in the United States.

14. Based on the aforementioned factual information, your Affiant respectively submits that GARCIA-MURGAS committed violations of Title 18, United States Code, Section 111 (a)(1), Assaulting a Federal Officer.



Stephen D. Johnson  
Special Agent  
Federal Bureau of Investigation

Sworn to and subscribed before me this 27<sup>th</sup> day of November, 2015.



Peter E. Ormsby  
United States Magistrate Judge